

Message Text

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43

ACTION PA-02

INFO OCT-01 EUR-12 ISO-00 DRC-01 SS-15 SP-02 H-02 L-03

SY-05 INR-07 /050 W

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R 121220Z JUN 75

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 1891

C O N F I D E N T I A L LONDON 08944

E.O. 11652: XGDS-1

TAGS: OGEN, PINS, UK

SUBJECT: AMENDED FREEDOM OF INFORMATION ACT: BRITISH
REQUEST FOR ASSURANCES ON IMPLEMENTATION

REF: A) STATE 65460; B) LONDON 1823

SUMMARY: FCO HAS SENT OFFICIAL RESPONSE OF HMG TO
QUERIES POSED REF A). BRIMELOW EXPRESSED THANKS FOR
ASSURANCES THAT US GOVERNMENT WILL CONTINUE TO PROTECT
CLASSIFIED INFORMATION OR MATERIAL PROVIDED BY HMG. HOW-
EVER, HMG WISHES TO RETAIN CLASSIFICATION ON FEBRUARY 3
LETTER WHICH WAS FORWARDED TO DEPARTMENT IN REF B).
FURTHERMORE, HMG WOULD "PREFER" THAT COPY OF THAT LETTER
NOT BE PROVIDED TO CONGRESS, THOUGH HMG WILLING TO HAVE
COPY PROVIDED "IN CONFIDENCE" ON A PARTICULAR OCCASION TO
FURTHER COMMON INTEREST. END SUMMARY

1. SIR THOMAS BRIMELOW, PERMANENT UNDERSECRETARY OF
STATE, FCO, HAS RESPONDED TO QUERIES FORWARDED BY EMBASSY
MARCH 24 IN CARRYING OUT INSTRUCTIONS OF STATE 65460.
WITH REGARD TO PROCEDURES US WILL FOLLOW IN REGARD TO
BRITISH-FURNISHED DOCUMENTS, BRIMELOW REPLY IS AS
FOLLOWS:

"I AM SORRY IT HAS TAKEN SO LONG TO REPLY TO YOUR
LETTER OF MARCH 24 ON THIS SUBJECT. AS YOU NO DOUBT
REALISE A CONSIDERABLE AMOUNT OF INTERDEPARTMENTAL CON-
SULTATION HAS BEEN NECESSARY.

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MAY I, FIRST OF ALL, THANK YOU FOR THE ASSURANCE

GIVEN IN THE FIRST PARAGRAPH OF YOUR LETTER THAT THE UNITED STATES GOVERNMENT CAN AND WILL CONTINUE TO PROTECT CLASSIFIED INFORMATION OR MATERIAL FURNISHED BY THE BRITISH GOVERNMENT ON THE UNDERSTANDING THAT IT WOULD BE KEPT IN CONFIDENCE. THIS IS MOST ENCOURAGING.

I REALISE THAT IT MAY NOT HAVE BEEN POSSIBLE FOR YOU, IN THE PRESENT UNCERTAINTY AS TO HOW THE RECENT AMENDMENTS TO THE ACT WILL BE INTERPRETED BY THE COURTS, TO UNDERTAKE THAT NO CLASSIFIED DOCUMENTS WOULD EVER REACH THE COURTS, BUT I AM GRATEFUL FOR YOUR CONFIRMATION THAT THE JUDICIAL PROCEDURES LAID DOWN DO NOT NECESSARILY CALL FOR AN EXAMINATION OF ACTUAL DOCUMENTS BY THE COURTS. I HOPE THAT WE MAY RELY ON UNITED STATES GOVERNMENT DEPARTMENTS ALWAYS TO USE THE AFFIDAVIT PROCEDURE (WITHOUT PRODUCTION OF THE DOCUMENTS) AS A FIRST STEP IF AND WHEN CASES UNDER THE ACT CONCERNING BRITISH CLASSIFIED INFORMATION GO BEFORE THE COURTS.

AS SUGGESTED IN YOUR LETTER WE SHALL BE ASKING OUR EMBASSY IN WASHINGTON TO INITIATE DISCUSSIONS WITH APPROPRIATE US OFFICIALS TO DETERMINE WHETHER FURTHER OR MORE SPECIFIC ARRANGEMENTS ARE NECESSARY."

2. IN REGARD TO QUESTION OF DECLASSIFYING EXCHANGE OF LETTERS (LONDON'S 1823), BRIMELOW RESPONDS:

"ON MARCH 24 YOU SENT ME TWO LETTERS ABOUT THE US FREEDOM OF INFORMATION ACT. THE FIRST, TO WHICH I HAVE TODAY REPLIED, CONSTITUTED YOUR FORMAL NSWE" TO MY ORIGINAL ENQUIRY ON THIS SUBJECT. IN THE SECOND, YOU: WROTE THAT THE STATE DEPARTMENT HAD INDICATED THAT THEY SAW NO REASON TO CLASSIFY THIS EXCHANGE OF CORRESPONDENCE, AND ASKED WHETHER WE COULD AGREE TO ITS DECLASSIFICATION. WE HAVE CAREFULLY CONSIDERED THIS POINT. OUR VIEW IS THAT THE CONTENT OF MY LETTER OF FEBRUARY 3 DOES WARRANT SOME DEGREE OF PROTECTION. SINCE CONFIDENTIAL IS THE LOWEST CATEGORY COMMON TO US BOTH, WE SHOULD PREFER THAT THE EXCHANGE OF CORRESPONDENCE SHOULD RETAIN ITS EXISTING CLASSIFICATION.

YOU ALSO ENQUIRED IF A COPY OF MY LETTER MIGHT BE PROVIDED TO CONGRESS. I SHOULD PREFER NOT. HOWEVER, IF A PARTICULAR OCCASION WERE TO ARISE WHEN IT WAS FELT THAT CONFIDENTIAL

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DISCLOSURE OF THIS EXCHANGE OF CORRESPONDENCE TO, E.G. A CHAIRMAN OF A CONGRESSIONAL COMMITTEE, IN CONFIDENCE, WOULD FURTHER OUR COMMON INTERESTS YOU MAY LIKE TO CONSULT US AGAIN. MOREOVER, WE WOULD HAVE NO OBJECTION TO YOUR GOVERNMENT CONFIRMING IN RESPONSE TO QUESTIONS THAT HER MAJESTY'S GOVERNMENT HAD BEEN AMONG THE GOVERNMENTS WHICH HAD ENQUIRED ABOUT THE IMPLICATIONS OF THE ACT."

RICHARDSON

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Message Attributes

Automatic Decaptioning: X
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Control Number: n/a
Copy: SINGLE
Draft Date: 12 JUN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: RowellE0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
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Handling Restrictions: n/a
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Review Markings:

Margaret P. Grafeld
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Review Withdrawn Fields: n/a
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